

9P1725
PATENT

Attorney Docket No.: WCMI-0021

#5 4/23
7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Thomas N. Chalin
Serial No.: 09/814,535
Filed: March 22, 2001
Entitled: SUSPENSION SYSTEM INCLUDING
ARM HAVING ZERO CLEARANCE
AXLE CONNECTION
Group Art Unit: 1725
Examiner: J. Johnson

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED
APR 18 2002
TC 1700

The applicant respectfully submits this response to the January 8, 2002 Office Action in the above-identified application.

REMARKS

Reconsideration of this application, in view of the following remarks, is respectfully requested.

Claims 1-15 were originally presented for consideration in this application. No claims have been added or canceled. Accordingly, Claims 1-15 remain pending in this application.

The following rejections were set forth in the Office Action:

1. Claims 1-15 stand rejected under 35 USC §103 as being unpatentable over USPN 6,039,336 to Frey in view of USPN 6,241,266 to Smith, et al.

Turning now to the merits of the claims, the examiner's rejections of Claims 1-15 as being obvious in light of the combined teachings of Smith and Frey is respectfully traversed. It would not have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Smith and Frey to obtain the claimed invention, since each of these references teaches away from the invention, Frey teaches directly away from the axle connector described in Smith, and neither of the references discloses limitations recited in the claims.

In making the §103 rejections in the Office Action, the examiner states that:

Smith et al. teaches welding an axle connector to an axle, without first pressing the axle connector onto the axle from an end of the axle and without using a clamp to hold the axle connector in contact with the axle; by elastically deforming the axle connector by enlarging the inner dimension of the axle at a location is held in contact with the axle during the welding, wherein no clearance exists

The examiner indicates that these features are found in the embodiment shown in FIGS. 14 & 15 of Smith. However, Smith actually teaches away from the claimed invention and does not disclose the features listed by the examiner. The wrapper band 232 of Smith is in fact pressed onto the axle 12 (see col. 14, ll. 58-61). Also, the wrapper

band 232 may be preheated and then shrunk onto the axle 12 as it cools, rather than attaching an axle connector to an axle by elastically deforming the axle connector. The band 232 is disclosed as being possibly thermally deformed to aid in passing it over the axle, but not elastically deformed. Thus, Smith teaches away from the invention as claimed in independent Claims 1 and 8. For this reason, the examiner is respectfully requested to withdraw the rejections of Claims 1-15.

The Smith and Frey references cannot be properly combined, since Frey specifically teaches directly away from the type of axle connector system described in Smith. In the Background section of Frey, the disadvantages of using a reinforcement sleeve between a tubular axle and a suspension arm are given (see col. 1, ll. 19-34).

Frey states that, "Such axle suspension assembly requires a considerable number of assembly operations and is thus costly." Instead, Frey proposes that a reinforced wall region 7 of an axle 1 should be used to attach a suspension arm directly to an axle. No axle connector is used between the axle and the arm, since this would increase the number of assembly operations, according to Frey.

Therefore, Frey teaches directly away from combining its teachings with those of Smith. For this additional reason, the examiner is respectfully requested to withdraw the rejections of Claims 1-15.

Frey also teaches directly away from the claimed invention. Frey specifically teaches that a suspension arm should be welded directly to an axle without the use of a reinforcing sleeve between the arm and the axle. Therefore, for this additional reason, the examiner is respectfully requested to withdraw the rejections of Claims 1-15.

It is thus respectfully submitted that Claims 1-15 are allowable over Smith and Frey. Each of these references teaches directly away from the claimed invention, at least Frey teaches directly away from its combination with Smith, and neither of the references discloses features recited in the claims.

In view of the foregoing remarks, all of the claims now pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-15 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

KONNEKER & SMITH, P.C.



Marlin R. Smith
Attorney for Applicant
Registration No. 38,310

Dated: 4 Apr. 2002

660 North Central Expressway
Suite 230
Plano, Texas 75074
(972) 516-0030

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C., 20231,

on

April 4, 2002
Charity Fair